

State of Arizona  
House of Representatives  
Forty-eighth Legislature  
Second Regular Session  
2008

# HOUSE BILL 2046

AN ACT

AMENDING SECTIONS 28-2351, 28-2403 AND 28-2405, ARIZONA REVISED STATUTES; AMENDING TITLE 28, CHAPTER 7, ARTICLE 12, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 28-2429 AND 28-2430; AMENDING SECTIONS 28-6501, 28-6991, 28-6993 AND 28-7315, ARIZONA REVISED STATUTES; RELATING TO SPECIAL PLATES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 28-2351, Arizona Revised Statutes, is amended to  
3 read:

4 28-2351. License plate provided; design

5 A. The department shall provide to every owner one license plate for  
6 each vehicle registered. At the request of the owner and on payment of any  
7 required fee, the department shall provide either one or two license plates  
8 for a vehicle for which a special plate is requested pursuant to this  
9 chapter, except that the department shall provide one license plate if the  
10 special plate is issued pursuant to section 28-2404, 28-2409 or 28-2416.

11 B. The license plate shall display the number assigned to the vehicle  
12 and to the owner of the vehicle and the name of this state, which may be  
13 abbreviated. The director shall coat the license plate with a reflective  
14 material that is consistent with the determination of the license plate  
15 commission established by section 28-2405 regarding the color and design of  
16 license plates and special plates as prescribed by section 28-2405. The  
17 director shall design the license plate and the letters and numerals on the  
18 license plate to be of sufficient size to be plainly readable during daylight  
19 from a distance of one hundred feet. In addition to the standard license  
20 plate issued for a trailer before August 12, 2005, the director shall issue a  
21 license plate for trailers that has a design that is similar to the standard  
22 size license plate for trailers but that is the same size as the license  
23 plate for motorcycles. The trailer owner shall notify the department which  
24 size license plate the owner wants for the trailer.

25 C. Notwithstanding any other law, the department shall not contract  
26 with a nongovernmental entity to purchase or secure reflective material for  
27 the plates issued by the department unless the department has made a  
28 reasonable effort to secure qualified bids or proposals from as many  
29 individual responsible respondents as possible.

30 D. The license plate commission established by section 28-2405 shall  
31 determine the color and design of the license plate. All other plates issued  
32 by the department, except the plates issued pursuant to sections 28-2412,  
33 28-2413, 28-2414, 28-2416 through ~~28-2428~~ 28-2430, 28-2452, 28-2453, 28-2454  
34 and 28-2455 and article 14 of this chapter, shall be the same color as and  
35 similar in design to the license plate as determined by the commission.

36 E. A passenger motor vehicle rented without a driver shall receive the  
37 same type of license plate as issued for a private passenger motor vehicle.

38 Sec. 2. Section 28-2403, Arizona Revised Statutes, is amended to read:  
39 28-2403. Special plates; transfers; violation; classification

40 A. Except as otherwise provided in this article, the department shall  
41 issue or renew special plates in lieu of the regular license plates pursuant  
42 to the following conditions and procedures and only if the requirements  
43 prescribed by this article for the requested special plates are met:

44 1. Except as provided in section 28-2416, a person who is the  
45 registered owner of a vehicle registered with the department or who applies

1 for an original or renewal registration of a vehicle may submit to the  
2 department a completed application form as prescribed by the department with  
3 the fee prescribed by section 28-2402 for special plates in addition to the  
4 registration fee prescribed by section 28-2003.

5 2. Except for plates issued pursuant to sections 28-2412, 28-2413,  
6 28-2414, 28-2416 through ~~28-2428~~ 28-2430, 28-2452, 28-2453, 28-2454 and  
7 28-2455 and article 14 of this chapter, the special plates shall be the same  
8 color as and similar to the design of the regular license plates that is  
9 determined by the license plate commission pursuant to section 28-2351.

10 3. Except as provided in section 28-2416, the department shall issue  
11 special plates only to the owner or lessee of a vehicle that is currently  
12 registered, including any vehicle that has a declared gross weight, as  
13 defined in section 28-5431, of twenty-six thousand pounds or less.

14 4. Except as provided in section 28-2416, the department shall charge  
15 the fee prescribed by section 28-2402 for each annual renewal of special  
16 plates in addition to the registration fee prescribed by section 28-2003.

17 B. Except as provided in section 28-2416, on notification to the  
18 department and on payment of the transfer fee prescribed by section 28-2402,  
19 a person who is issued special plates may transfer the special plates to  
20 another vehicle the person owns or leases. Persons who are issued special  
21 plates for hearing impaired persons pursuant to section 28-2408 and  
22 international symbol of access special plates pursuant to section 28-2409 are  
23 exempt from the transfer fee. If a person who is issued special plates  
24 sells, trades or otherwise releases ownership of the vehicle on which the  
25 plates have been displayed, the person shall immediately report the transfer  
26 of the plates to the department or the person shall surrender the plates to  
27 the department as prescribed by the director. It is unlawful for a person to  
28 whom the plates have been issued to knowingly permit them to be displayed on  
29 a vehicle except the vehicle authorized by the department.

30 C. The special plates shall be affixed to the vehicle for which  
31 registration is sought in lieu of the regular license plates.

32 D. A person is guilty of a class 3 misdemeanor who:

33 1. Violates subsection B of this section.

34 2. Fraudulently gives false or fictitious information in the  
35 application for or renewal of special plates or placards issued pursuant to  
36 this article.

37 3. Conceals a material fact or otherwise commits fraud in the  
38 application for or renewal of special plates or placards issued pursuant to  
39 this article.

40 Sec. 3. Section 28-2405, Arizona Revised Statutes, is amended to read:  
41 28-2405. License plate commission

42 A. A license plate commission is established. The commission is  
43 composed of the following members:

44 1. Two public members who are appointed by the director of the  
45 department of transportation.

1           2. A person who is appointed by the governor from the governor's  
2 office of highway safety and who serves at the pleasure of the governor.  
3           3. The director of the department of public safety or the director's  
4 designee.  
5           4. The director of the department of transportation or the director's  
6 designee.  
7           5. The director of the office of tourism or the director's designee.  
8           6. The director of the state department of corrections or the  
9 director's designee.  
10          B. The director of the department of transportation or the director's  
11 designee shall serve as chairman of the commission. The chairman shall  
12 preside at commission meetings and coordinate the activities of the  
13 commission and staff implementation of commission actions.  
14          C. All official actions of the commission shall be decided by a  
15 majority vote of commission members.  
16          D. The commission shall determine the following:  
17           1. The color and design of license plates.  
18           2. The color of special plates to be the same as and the design of  
19 special plates to be similar to the license plates, except for special plates  
20 issued pursuant to sections 28-2412, 28-2413, 28-2414, 28-2416 through  
21 ~~28-2428~~ 28-2430, 28-2452, 28-2453, 28-2454 and 28-2455 and article 14 of this  
22 chapter.  
23           3. Whether to authorize special organization plates pursuant to  
24 section 28-2404.  
25           4. The indicia for special organization plates issued pursuant to  
26 section 28-2404.  
27          E. The department shall provide the commission with staff and  
28 technical assistance as necessary to perform its functions.  
29          F. Commission members are not eligible to receive compensation, but  
30 the members who are appointed pursuant to subsection A, paragraphs 1 and 2 of  
31 this section are eligible for reimbursement of expenses pursuant to title 38,  
32 chapter 4, article 2.  
33          Sec. 4. Title 28, chapter 7, article 12, Arizona Revised Statutes, is  
34 amended by adding sections 28-2429 and 28-2430, to read:  
35           28-2429. Arizona highways special plates  
36           A. THE DEPARTMENT SHALL ISSUE ARIZONA HIGHWAYS SPECIAL PLATES. THE  
37 COSTS OF ISSUING THE ARIZONA HIGHWAYS SPECIAL PLATES SHALL BE PAID FROM  
38 MONIES RECEIVED BY THE ARIZONA HIGHWAYS MAGAZINE FUND PURSUANT TO SECTION  
39 28-7315, SUBSECTION B, PARAGRAPH 2. THE DEPARTMENT SHALL DESIGN THE ARIZONA  
40 HIGHWAYS SPECIAL PLATES. THE DIRECTOR MAY ALLOW A REQUEST FOR ARIZONA  
41 HIGHWAYS SPECIAL PLATES TO BE COMBINED WITH A REQUEST FOR PERSONALIZED  
42 SPECIAL PLATES. IF THE DIRECTOR ALLOWS SUCH A COMBINATION, THE REQUEST SHALL  
43 BE IN A FORM PRESCRIBED BY THE DIRECTOR AND IS SUBJECT TO THE FEES FOR THE  
44 PERSONALIZED SPECIAL PLATES IN ADDITION TO THE FEES REQUIRED FOR ARIZONA  
45 HIGHWAYS SPECIAL PLATES.

1 B. OF THE TWENTY-FIVE DOLLAR FEE REQUIRED BY SECTION 28-2402 FOR THE  
2 ORIGINAL SPECIAL PLATES AND FOR RENEWAL OF SPECIAL PLATES, EIGHT DOLLARS IS A  
3 SPECIAL PLATE ADMINISTRATION FEE AND SEVENTEEN DOLLARS IS AN ANNUAL DONATION.

4 C. THE DEPARTMENT SHALL DEPOSIT, PURSUANT TO SECTIONS 35-146 AND  
5 35-147, ALL SPECIAL PLATE ADMINISTRATION FEES IN THE STATE HIGHWAY FUND  
6 ESTABLISHED BY SECTION 28-6991 AND ALL DONATIONS COLLECTED PURSUANT TO THIS  
7 SECTION IN THE ARIZONA HIGHWAYS MAGAZINE FUND ESTABLISHED BY SECTION 28-7315.

8 28-2430. In God we trust special plates

9 A. IF AN ENTITY RECEIVES THIRTY-TWO THOUSAND DOLLARS THROUGH DONATIONS  
10 FOR THE ISSUANCE OF THE IN GOD WE TRUST SPECIAL PLATE AND GIVES THE  
11 DEPARTMENT THE THIRTY-TWO THOUSAND DOLLARS, THE DEPARTMENT SHALL ISSUE THE IN  
12 GOD WE TRUST SPECIAL PLATES. THE ENTITY THAT PROVIDES THE THIRTY-TWO  
13 THOUSAND DOLLARS SHALL DESIGN THE IN GOD WE TRUST SPECIAL PLATES. THE DESIGN  
14 AND COLOR OF THE IN GOD WE TRUST SPECIAL PLATES ARE SUBJECT TO THE APPROVAL  
15 OF THE DEPARTMENT. THE DIRECTOR MAY ALLOW A REQUEST FOR IN GOD WE TRUST  
16 SPECIAL PLATES TO BE COMBINED WITH A REQUEST FOR PERSONALIZED SPECIAL PLATES.  
17 IF THE DIRECTOR ALLOWS SUCH A COMBINATION, THE REQUEST SHALL BE IN A FORM  
18 PRESCRIBED BY THE DIRECTOR AND IS SUBJECT TO THE FEES FOR THE PERSONALIZED  
19 SPECIAL PLATES IN ADDITION TO THE FEES REQUIRED FOR THE IN GOD WE TRUST  
20 SPECIAL PLATES.

21 B. OF THE TWENTY-FIVE DOLLAR FEE REQUIRED BY SECTION 28-2402 FOR THE  
22 ORIGINAL SPECIAL PLATES AND FOR RENEWAL OF SPECIAL PLATES, EIGHT DOLLARS IS A  
23 SPECIAL PLATE ADMINISTRATION FEE AND SEVENTEEN DOLLARS IS AN ANNUAL DONATION.

24 C. THE DEPARTMENT SHALL DEPOSIT, PURSUANT TO SECTIONS 35-146 AND  
25 35-147, ALL SPECIAL PLATE ADMINISTRATION FEES AND ALL DONATIONS COLLECTED  
26 PURSUANT TO THIS SECTION IN THE STATE HIGHWAY FUND ESTABLISHED BY SECTION  
27 28-6991.

28 Sec. 5. Section 28-6501, Arizona Revised Statutes, is amended to read:

29 28-6501. Definition of highway user revenues

30 In this article, unless the context otherwise requires or except as  
31 otherwise provided by statute, "highway user revenues" means all monies  
32 received in this state from licenses, taxes, penalties, interest and fees  
33 authorized by the following:

34 1. Chapters 2, 7, 8 and 15 of this title, except for:

35 (a) The special plate administration fees prescribed in sections  
36 28-2404, 28-2412 through ~~28-2428~~ 28-2430 and 28-2514.

37 (b) The donations prescribed in sections 28-2404, 28-2412 through  
38 28-2415, 28-2417 through ~~28-2428~~ 28-2430, 28-2453, 28-2454 and 28-2455.

39 2. Chapters 10 and 11 of this title.

40 3. Chapter 16, articles 1, 2 and 4 of this title, except as provided  
41 in sections 28-5926 and 28-5927.

42 Sec. 6. Section 28-6991, Arizona Revised Statutes, is amended to read:

43 28-6991. State highway fund; sources

44 A state highway fund is established that consists of:

- 1           1. Monies distributed from the Arizona highway user revenue fund  
2 pursuant to chapter 18 of this title.
- 3           2. Monies appropriated by the legislature.
- 4           3. Monies received from donations for the construction, improvement or  
5 maintenance of state highways or bridges. These monies shall be credited to  
6 a special account and shall be spent only for the purpose indicated by the  
7 donor.
- 8           4. Monies received from counties under cooperative agreements,  
9 including proceeds from bond issues. The state treasurer shall deposit these  
10 monies to the credit of the fund in a special account on delivery to the  
11 treasurer of a concise written agreement between the department and the  
12 county stating the purposes for which the monies are surrendered by the  
13 county, and these monies shall be spent only as stated in the agreement.
- 14           5. Monies received from the United States under an act of Congress to  
15 provide aid for the construction of rural post roads, but monies received on  
16 projects for which the monies necessary to be provided by this state are  
17 wholly derived from sources mentioned in paragraphs 2 and 3 of this section  
18 shall be allotted by the department and deposited by the state treasurer in  
19 the special account within the fund established for each project. On  
20 completion of the project, on the satisfaction and discharge in full of all  
21 obligations of any kind created and on request of the department, the  
22 treasurer shall transfer the unexpended balance in the special account for  
23 the project into the state highway fund, and the unexpended balance and any  
24 further federal aid thereafter received on account of the project may be  
25 spent under the general provisions of this title.
- 26           6. Monies in the custody of an officer or agent of this state from any  
27 source that is to be used for the construction, improvement or maintenance of  
28 state highways or bridges.
- 29           7. Monies deposited in the state general fund and arising from the  
30 disposal of state personal property belonging to the department.
- 31           8. Receipts from the sale or disposal of any or all other property  
32 held by the department and purchased with state highway monies.
- 33           9. Monies generated pursuant to section 28-410.
- 34           10. Monies distributed pursuant to section 28-5808, subsection B,  
35 paragraph 2, subdivision (d).
- 36           11. Monies deposited pursuant to sections 28-1143, 28-2353 and 28-3003.
- 37           12. Except as provided in section 28-5101, the following monies:  
38           (a) Monies deposited pursuant to section 28-2206 and section 28-5808,  
39 subsection B, paragraph 2, subdivision (e).  
40           (b) One dollar of each registration fee and one dollar of each title  
41 fee collected pursuant to section 28-2003.  
42           (c) Two dollars of each late registration penalty collected by the  
43 director pursuant to section 28-2162.  
44           (d) The air quality compliance fee collected pursuant to section  
45 49-542.

1 (e) The special plate administration fees collected pursuant to  
2 sections 28-2404, 28-2412 through ~~28-2428~~ 28-2430 and 28-2514.

3 (f) Monies collected pursuant to sections 28-372, 28-2155 and 28-2156  
4 if the director is the registering officer.

5 13. Monies deposited pursuant to chapter 5, article 5 of this title.

6 14. Donations received pursuant to section 28-2269.

7 15. Dealer and registration monies collected pursuant to section  
8 28-4304.

9 16. Abandoned vehicle administration monies deposited pursuant to  
10 section 28-4804.

11 17. Monies deposited pursuant to section 28-710, subsection D,  
12 paragraph 2.

13 18. DONATIONS DEPOSITED PURSUANT TO SECTION 28-2430.

14 Sec. 7. Section 28-6993, Arizona Revised Statutes, is amended to read:  
15 28-6993. State highway fund; authorized uses

16 A. Except as provided in subsection B of this section and section  
17 28-6538, the state highway fund shall be used for any of the following  
18 purposes in strict conformity with and subject to the budget as provided by  
19 this section and by sections 28-6997 through 28-7003:

20 1. To pay salaries, wages, necessary travel expenses and other  
21 expenses of officers and employees of the department and the incidental  
22 office expenses, including telegraph, telephone, postal and express charges  
23 and printing, stationery and advertising expenses.

24 2. To pay for both:

25 (a) Equipment, supplies, machines, tools, department offices and  
26 laboratories established by the department.

27 (b) The construction and repair of buildings or yards of the  
28 department.

29 3. To pay the cost of both:

30 (a) Engineering, construction, improvement and maintenance of state  
31 highways and parts of highways forming state routes.

32 (b) Highways under cooperative agreements with the United States that  
33 are entered into pursuant to this chapter and an act of Congress providing  
34 for the construction of rural post roads.

35 4. To pay land damages incurred by reason of establishing, opening,  
36 altering, relocating, widening or abandoning portions of a state route or  
37 state highway.

38 5. To reimburse the department revolving account.

39 6. To pay premiums on authorized indemnity bonds and on compensation  
40 insurance under the workers' compensation act.

41 7. To defray lawful expenses and costs required to administer and  
42 carry out the intent, purposes and provisions of this title, including  
43 repayment of obligations entered into pursuant to this title, payment of  
44 interest on obligations entered into pursuant to this title, repayment of  
45 loans and other financial assistance, including repayment of advances and

1 interest on advances made to the department pursuant to section 28-7677, and  
2 payment of all other obligations and expenses of the board and department  
3 pursuant to chapter 21 of this title.

4 8. To pay lawful bills and charges incurred by the state engineer.

5 9. To acquire, construct or improve entry roads to state parks or  
6 roads within state parks.

7 10. To acquire, construct or improve entry roads to state prisons.

8 11. To pay the cost of relocating a utility facility pursuant to  
9 section 28-7156.

10 12. For the purposes provided in subsections C, D and E of this section  
11 and sections 28-1143, 28-2353 and 28-3003.

12 B. For each fiscal year, the department of transportation shall  
13 allocate and transfer monies in the state highway fund to the department of  
14 public safety for funding a portion of highway patrol costs in eight  
15 installments in each of the first eight months of a fiscal year that do not  
16 exceed ten million dollars.

17 C. Subject to legislative appropriation, the department may use the  
18 monies in the state highway fund as prescribed in section 28-6991, paragraph  
19 12 to carry out the duties imposed by this title for registration or titling  
20 of vehicles, to operate joint title, registration and driver licensing  
21 offices, to cover the administrative costs of issuing the air quality  
22 compliance sticker, modifying the year validating tab and issuing the  
23 windshield sticker and to cover expenses and costs in issuing special plates  
24 pursuant to sections 28-2404, 28-2412 through ~~28-2428~~ 28-2430 and 28-2514.

25 D. The department shall use monies deposited in the state highway fund  
26 pursuant to chapter 5, article 5 of this title only as prescribed by that  
27 article.

28 E. Monies deposited in the state highway fund pursuant to section  
29 28-2269 shall be used only as prescribed by that section.

30 F. Monies deposited in the state highway fund pursuant to section  
31 28-710, subsection D, paragraph 2 shall only be used for state highway work  
32 zone traffic control devices.

33 G. The department may exchange monies distributed to the state highway  
34 fund pursuant to section 28-6538, subsection A, paragraph 1 for local  
35 government surface transportation program federal monies suballocated to  
36 councils of government and metropolitan planning organizations if the local  
37 government scheduled to receive the federal monies concurs. An exchange of  
38 state highway fund monies pursuant to this subsection shall be in an amount  
39 that is at least equal to ninety per cent of the federal obligation authority  
40 that exists in the project for which the exchange is proposed.

41 Sec. 8. Section 28-7315, Arizona Revised Statutes, is amended to read:  
42 28-7315. Arizona highways magazine fund

43 A. An Arizona highways magazine fund is established.

44 B. The fund consists of monies:

- 1           1. Appropriated by the legislature from the state highway fund of not  
2 more than five hundred thousand dollars annually.
- 3           2. Received from the sales of subscriptions, single copies, maps,  
4 pamphlets and other descriptive material.
- 5           3. DEPOSITED PURSUANT TO SECTION 28-2429.
- 6           C. The monies appropriated to the fund shall be spent in conformity  
7 with the laws governing state financial operations, except that:
  - 8           1. Balances remaining at the end of the fiscal year do not revert to  
9 the general or state highway fund.
  - 10           2. Expenditures are exempt from section 35-173.
- 11           D. The state treasurer shall invest and divest monies in the Arizona  
12 highways magazine fund as provided by section 35-313, and monies earned from  
13 investment shall be credited to the fund.